

JAMES E. LYONS (State Bar. No. 112582)
CHRISTINE J. HUNG (State Bar No. 266364)
TATYANA SHMYGOL (State Bar No. 267104)
WILLIAM CASEY (State Bar No. 294086)
525 University Ave., Suite 1400
Palo Alto, California 94301
Telephone: (650) 470-3180
Facsimile: (650) 798-6576

Attorneys for Plaintiff
KAHEAL PARRISH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KAHEAL PARRISH,

Plaintiff,

v.

A. SOLIS, *et al.*,

Defendants.

CASE NO.: 5:11-cv-01438-LHK

**PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION *IN LIMINE*
NO. 3**

Date: November 20, 2014

Time: 1:30 p.m.

Courtroom: 8

Judge: The Honorable Lucy H. Koh

Trial Date: December 5, 2014

Action Filed: March 11, 2011

1 Defendants' Motion *in Limine* No. 3 seeks to limit the testimony of one of Plaintiff's expert
2 witnesses, Samuel Plainfield. Defendants seek to prevent Plainfield from discussing whether he
3 was entitled to review the original photos or opining that he did not receive the appropriate
4 documents from Defendants because Plainfield did not have knowledge of the ESI agreement
5 between the parties.

6 Plaintiff intends to inquire into the opinions expressed in Paragraph 3 of Plainfield's
7 Supplemental Expert Report. (Dkt. 246, Ex. A ¶ 3.) So long as Defendants do not open the door to
8 such examination, Plaintiff has no intention of inquiring into the opinions expressed in Paragraph 4
9 of Plainfield's Supplemental Expert Report, including whether the photos provided by Defendants
10 are "originals." (Dkt. 246, Ex. A ¶ 4.)

11
12
13 Dated: November 10, 2014

14
15 By: /s/ William J. Casey
16 William Casey
17 Attorneys for Plaintiff
18 KAHEAL PARRISH
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I am employed in the county of Santa Clara, State of California. I am over the age of 18 and not a party to the within action; my business address is 525 University Avenue, Suite 1400, Palo Alto, CA 94301.

On November 10, 2014 I served the foregoing document described as:

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION *IN LIMINE* NO. 3

on the interested parties in this action as follows:

**D. Robert Duncan II, Esq.
Sharon Garske
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004**

☒ (BY EMAIL) I am readily familiar with the firm's practice of email transmission; on this date, I caused the above-referenced document(s) to be transmitted by email as noted above and that the transmission was reported as complete and without error.

☐ (BY MAIL) I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service and the fact that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business; on this date, the above-referenced correspondence was placed for deposit at Palo Alto, California and placed for collection and mailing following ordinary business practices.

☐ (BY FEDERAL EXPRESS) I am readily familiar with the firm's practice for the daily collection and processing of correspondence for deliveries with the Federal Express delivery service and the fact that the correspondence would be deposited with Federal Express that same day in the ordinary course of business; on this date, the above-referenced document was placed for deposit at Palo Alto, California and placed for collection and delivery following ordinary business practices.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed November 10, 2014 at Palo Alto, California.

/s/ Wayne Campbell
Wayne Campbell